



**Oregon Health Licensing Agency (OHLA)  
Advisory Council on Hearing Aids**



1:00 pm Monday, February 27, 2009  
700 Summer Street N.E., Suite 320  
Salem, Oregon

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**MINUTES**

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**MEMBERS PRESENT**

Don Plapinger, Chair  
Martha Kocer, Hearing Aid Specialist  
Scott Frink, Hearing Aid Specialist/Audiologist  
Fred Peters, Public Member  
Tricia J. Leagjeld-Storch, Hearing Aid Specialist

**STAFF PRESENT**

Samantha Patnode, Examination Analyst  
Trampus Schuck, Board Specialist  
Kraig Bohot, Communications Coordinator  
Mike Simpson, Quality and Statistical Analyst  
Tim Molloy, Regulatory Operations Manager

**MEMBERS ABSENT**

Don Cloutier, Hearing Aid Specialist

**GUESTS PRESENT**

Paul J. Willoughby, Audiologist  
John McCulley, Oregon Speech Hearing Association  
Scott Austin, Hearing Aid Specialist

**Call to Order**

Don Plapinger, Chair, called the meeting of the Advisory Council on Hearing Aids to order at 1:05 pm on October 3, 2008, at the Rhoades Conference Room, located in the Oregon Veterans' Affairs Building, 700 Summer St. NE, Salem, Oregon.

**Executive Session - ORS 192.660(2)(a)**

Don Plapinger convened Executive Session under ORS 192.660(2)(a) at 1:06 p.m. for the purpose of reporting. Executive Session concluded at 1:16 p.m.

**Regular Session**

Don Plapinger reconvened regular session at 1:16 p.m. No action or recommendations were made.

**I - Approval of Agenda**

**MOTION**

Fred Peters made a motion with a second by Scott Frink to approve the agenda for February 27, 2009. The motion passed unanimously

**II - Approval of Minutes**

**MOTION**

Fred Peters made a motion with a second by Scott Frink to approve the October 3, 2008 minutes with corrections to spelling errors. The motion passed unanimously.

### **III - Reports**

#### **A. Director's Report 2009 Legislation**

Samie Patnode, Policy Analyst, presented 2009 Legislation regarding OHLA Legislative Concept 765 reporting it had been pulled by the Governor's Office due to technical issues and provisions in the "Relating to Clause". The Agency revised the areas in question but in doing so did not meet the deadline for completion. The Governor's Office and Department of Administrative Services, Budget and Management Division support the concept and encouraged the Agency to pursue introducing the legislation as a committee bill. Patnode stated that many of changes are house keeping measures to bring programs into uniformity with the central agency model. Such changes are standardized board member terms and licensing cycles. Other areas include language to allow the Agency to establish specialty fields of practice for cosmetology, strengthen consumer protection, and referral of impaired practitioners to treatment programs.

Patnode provided an overview of legislation sponsored by Representative Mitch Greenlick explaining how the bills could affect the boards within the agency. She noted that specific bills add public members to health related boards. Patnode explained other bills introduced by Greenlick address required terms in office, improved oversight with regards to impaired licensees, requirements for reporting incidence where scopes of practice may crossover, and restricting the liability of hearings and court fees to complainants.

#### **B. Administrative Services Division**

Mike Simpson, Program Analyst, presented an overview of statistics relating to the Hearing Aid Advisory Council. His report included licensing, examinations, Website traffic, and regulatory statistics for 2008.

Simpson stated that a continuing education audit was done for 2006 and 2007. He provided an overview of the outcome noting 26 licensees were audited and 24 licensees passed, two failed, who will be going through the enforcement process. The council was provided with the report and a copy was placed in council documents for retention. Simpson stated audits for 2008 would begin in April of 2009.

Simpson stated 34 percent of Hearing Aid Specialists renewed their licenses online. The board inquired as to how the number could be increased. Plapinger asked if the Agency had considered giving a discount for renewing online as opposed to other methods. Jon DuFrene stated e-commerce is one of his duties at the Department of Administrative Services. DuFrene stated he is not aware of any agency that has actually enacted a discount to encourage online renewals, in fact, some agencies are actually considering charging a convenience fee to renew online. DuFrene and the Board discussed various advantages of online renewal verses other methods. The Board consensus was the Agency should consider a discount for licensees who renew online.

#### **C. Regulatory Operations Division**

Tim Molloy, Regulatory Operations Manager, presented regulatory operation activity. Molloy stated there had been no new complaints or cases since the last board meeting.

#### D. Program Operations Division

- OHLA Proposed Administrative Rules

Samie Patnode provided an overview of the Agency proposed Administrative Rules which include temporary rules filed and effective December 1, 2008. They addressed requirements for completion of a fingerprint and criminal background check to determine fitness of individuals applying or renewing an authorization. The rules are used to clarify requirements for acceptable documentation and personal identification of applicants to strengthen applicant licensure qualification criteria. These rules are needed to mitigate use of false identification and/or misrepresentation of personal information, to reduce potential agency liability, and secure license issuance and renewal procedures.

Other technical amendments were made relating to procedure of model rules, rulemaking, definitions, and Oregon Accounting Manual requirements. Corrections to statute citations and agency name were made.

The Board questioned if costs associated with fingerprinting and background checks would be passed on to the customer or absorbed by the Agency and the Board. Patnode stated, currently, those cost will impact the Agency and the Board, however, that could change in the future.

- Outreach and Communication

Kraig Bohot, Communications Coordinator, began by showing the Board the new Regulatory Compliance resource page on the OHLA Website. Bohot explained this is a page to help licensees through the disciplinary process. He presented the Board with the OHLA ten year reports and explained the OHLA ten-year report will be a virtual presentation.

Bohot provided an overview of the new “Frequently Asked Questions” section relating to fingerprinting and the requirements and purpose behind the new administrative rule. This will clarify the Agency’s rules regarding fingerprinting and criminal background checks on applicants and current licensees. Bohot demonstrated the new link on the Hearing Aid Specialist Web site “Who Can Fit and Sell Hearing Aids”.

Bohot reported on an outreach event in Lebanon, Oregon. It was the first time for the local Hearing Aid Association. Bohot stated the event was small but productive. Two main points were brought up. One was concerns regarding the rescission period and how the Hearing Aid Association felt it should be extended. The other main point was the need for more disclosure information concerning new digital hearing aids and the hearing aids’ functionality. With increased complexities of digital hearing aids, the Hearing Aid Association questioned if a regulation may be required to make sure that the disclosures are required.

- Committees and Reports

No Committee reports at this time

#### IV Items for Board Action

No Items required Board action at this time

## **V Executive Session**

No executive session at this time.

## **VI Other Board Business**

The Board discussed the practice by some specialist of offering a free hearing test then charging a ten to twenty-five dollar “copy fee” for the results. The board was divided on whether or not the board has the statutory authority to regulate this practice by rule. Plapenger felt that the Board regulates other areas pre-sale while Frink believed the Board can only regulate pre-sale if a purchases is made. The Board also disagreed on whether the board should regulate this practice or if it should be left up to the individual licensees on how to operate their business.

The board discussed a situation that had been brought to Frink’s attention regarding a Hear Aid Specialist who sold a Hearing Aid to a man who died within the rescinding period. The specialist would not return the widow her money. Frink stated he advised the widow she should go back and talk to the specialist only this time video tape your conversation. He stated she followed his advice and the specialist eventually refunded the money. The Board discussed whether the widow or surviving family member is considered the customer and does that person have the same rights as the deceased. The Board considered if death falls under the rights to rescind. The Board agreed it was not specifically addressed however it could fall under other reasons in 694.042 (2) if the widow can be included as the “Purchaser”. Patnode stated she would research both issues and report to the Board.

## **VII Public Comment**

No public comment at this time.

## **VIII Miscellaneous**

### **A. Board Interest File**

Don Plapinger adjourned of the Advisory Council on Hearing Aids at 2:48 pm.

Prepared by: Trampus Schuck, Board Specialist